

Message Text

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TO AMEMBASSY MEXICO PRIORITY

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SUBJECT: CONGRESSIONAL HEARINGS ON AMERICAN PRISONERS:
EXTORTION BY ATTORNEYS

REF: MEXICO 7777

1. INSTEAD OF USING PROPOSED FOURTH PARAGRAPH IN GENERAL DRAFT LETTER LEFT WITH EMBASSY BY MR. LAWRENCE, WE NOW BELIEVE IT CAN BEST BE USED IN LETTER FOCUSED ON CASES WHICH ARISE IN COURSE OF OVERALL REVIEW OF PRISONER FILES. LETTER WOULD BE SENT BY EMBASSY AND POST TO FAMILY AND FRIENDS WHO PAY MEXICAN ATTORNEY FEES AS WELL TO PRISONERS WHO MADE DIRECT PAYMENT TO ATTORNEY. FOR THIS PURPOSE, REFTEL LANGUAGE HAS BEEN REVISED AS FOLLOWS:

2. "A RECENT REVIEW BY THE DEPARTMENT OF STATE OF THE CASE OF YOUR SON (DAUGHTER, FRIEND, ETC.), MR. JOHN DOE, WHO IS IMPRISONED IN THIS CONSULAR DISTRICT, RAISES THE QUESTION WHETHER THE LEGAL SERVICES PROVIDED TO HIM(HER) AT YOUR EXPENSE BY A PRIVATE ATTORNEY IN (CITY) WERE ADEQUATE.

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3. "IF YOU HAVE PAID A LARGE SUM OF MONEY TO A MEXICAN

ATTORNEY TO CONDUCT YOUR SON'S DEFENSE, AND THE ATTORNEY THEREAFTER DID LITTLE OR NOTHING TO EARN THE FEE, YOU MAY

WISH TO PREPARE A DETAILED, WRITTEN COMPLAINT ADDRESSED TO THE MINISTERIO PUBLICO DEL FUERO COMUN (DISTRICT ATTORNEY ATTORNEY'S OFFICE), NINOS HEROES Y DR. LICEAGA, MEXICO, D.F., MEXICO (OR CAPITAL CITY OF MEXICAN STATE IN WHICH TRANSACTION TOOK PLACE). YOU SHOULD ENCLOSE CERTIFIED COPIES OF ANY RECEIPTS, CONTRACTS AND OTHER DOCUMENTS YOU MAY HAVE RELATING TO THE TRANSFER OF FUNDS AND THE SERVICES THE ATTORNEY WAS SUPPOSED TO RENDER IN RETURN FOR THOSE FUNDS.

4. "YOUR COMPLAINT SHOULD BE IN SPANISH, AND, IF POSSIBLE ACCOMPANYING DOCUMENTATION SHOULD ALSO BE TRANSLATED INTO THAT LANGUAGE. YOUR CHANCES OF GETTING A HEARING WILL BE GREATLY INCREASED IF YOU OR YOUR LEGAL REPRESENTATIVE OR WHOEVER MADE THE PAYMENT IN HIS OWN NAME ON YOUR BEHALF WERE TO PRESENT THE COMPLAINT IN PERSON.

5. "BEFORE YOU DECIDE TO MAKE SUCH A COMPLAINT, YOU MAY WISH TO CONFIRM THAT THE COURT RECORD OF YOUR SON'S TRIAL WILL BEAR OUT YOUR CONTENTION THAT THE ATTORNEY DID LITTLE OR NOTHING TO JUSTIFY THE FEE PAID TO HIM. IN THIS CONNECTION, YOUR SON HAS THE RIGHT TO REVIEW HIS COURT RECORD WITH THE ASSISTANCE OF AN EXPERT TRANSLATOR. SHOULD YOU WANT TO OBTAIN A TRANSLATED OFFICIAL COPY OF THE COURT RECORD, HOWEVER, YOU WOULD HAVE TO PAY FOR THIS SERVICE WHICH COULD BE, DEPENDING ON THE LENGTH OF THE RECORD, FAIRLY EXPENSIVE. YOUR SON OR HIS PRESENT ATTORNEY CAN REQUEST A TRANSCRIPT FROM THE COURT.

6. "AS YOU CAN SEE, TRAVEL AND TRANSLATION COSTS AND THE TIME YOU WOULD HAVE TO DEVOTE TO THE EFFORT SHOULD BE CONSIDERED IN DECIDING WHETHER TO PRESS A COMPLAINT AGAINST AN ATTORNEY. I MUST ALSO ADVISE YOU THAT THE EMBASSY (CONSULATE GENERAL) CANNOT ACT AS YOUR ATTORNEY OR REPRESENTATIVE IN PRESENTING THE COMPLAINT, BUT WE WOULD BE PLEASED TO ASSIST YOU BY MAKING AN APPOINTMENT FOR YOU WITH THE DISTRICT ATTORNEY'S OFFICE IF YOU

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LET US KNOW WELL IN ADVANCE OF YOUR TRAVEL PLANS. IN ANY EVENT, WE WOULD LIKE TO KNOW OF ANY ACTION YOU MAY TAKE IN THIS CASE."

7. EMBASSY COMMENTS REQUESTED SOONEST ON ABOVE DRAFT BEFORE WE CIRCULATE IT TO ALL AMERICAN POSTS FOR USE. IN PARTICULAR, COMMENT ON PARAGRAPH FIVE RE COST OF OBTAINING TRANSLATED COURT RECORD. ON THIS POINT, WE ARE

INTERESTED IN EMBASSY ACTION ON GARCIA ROMO CASES (MEXICO 7825) AND HOPE EMBASSY OFFICER CAN VISIT COURT VERY SHORTLY TO OBTAIN ALL AVAILABLE INFORMATION ABOUT MECHANICS AND COSTS OF OBTAINING TRANSCRIPTS, E.G., FLAT FEE OR PER

WORD OR PAGE CHARGE, LENGTH OF TIME INVOLVED, ETC.

8. ALSO COMMENT ON NEED TO INSERT LANGUAGE IN ABOVE LETTER CAUTIONING FAMILY ON PROBABILITY OF RECOVERING FUNDS. WE KNOW, FOR EXAMPLE, THAT AVILES RETURNED MONEY IN VANDENDRIESCHE CASE BUT IT IS NOT CLEAR TO US WHETHER THIS WAS BECAUSE OF LEGAL ACTION OR THREAT OF IT, I.E., IF EXTORTION CHARGES ARE SUCCESSFULLY PRESSED BY AMERICAN FAMILY, DOES MEXICAN LAW PROVIDE FOR AUTOMATIC RETURN OF FUNDS OR IS THERE POSSIBILITY THAT CONVICTED ATTORNEY WOULD BE PUNISHED WITHOUT HAVING TO REIMBURSE FAMILY?

9. IN OVERALL REVIEW AND NEW CASES WHERE MEXICAN ATTORNEY IS POSSIBLY INVOLVED IN EXTORTION, WE WILL LOOK TO EMBASSY AND POSTS TO CONTACT FAMILY/PRISONER TO GUIDE THEM ON SEEKING REDRESS. IN CASES OF INVOLVEMENT OF AMERICAN ATTORNEY, DEPARTMENT WILL WRITE TO FAMILY TO SUGGEST THAT THEY CONTACT GRIEVANCE COMMITTEE OF BAR ASSOCIATION OF COUNTY IN WHICH ATTORNEY PRACTICES. KISSINGER

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